

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendments, claims 2, 4, 6-9 and 11 are pending in the application, with claim 11 being the independent claim. Claims 1 and 10 are sought to be cancelled herewith without prejudice to or disclaimer of the subject matter therein. Claims 3 and 5 were previously cancelled. Claims 2, 4 and 6-8 have been amended to be dependent on claim 11. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Miscellaneous Matters

Applicants thank the Examiner for indicating that claim 11 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph. Office Action, pg. 13, ll. 18-19. Applicants also thank the Examiner for providing a statement of reasons for the indication of allowable subject matter in claim 11.

Applicants also thank the Examiner for our telephone call of August 11, 2009. During the telephone call, the Examiner clarified that the section title on page 4 of the Office Action contained a typographical error. The section title indicated that claims 1-2, 4, 6-7, 9 and 11 were rejected under 35 U.S.C. § 103, but should have indicated that claims 1-2, 4, 6-7, 9 and 10 were rejected. Applicants thank the Examiner for clarifying the rejection.

Rejections of Claims 1-2, 4, 6-11 under 35 U.S.C. § 112, 2nd Paragraph

Claims 1-2, 4 and 6-11 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly having insufficient antecedent basis for the limitation of the terms "the dispersion" in line 4, "the sonicated dispersion of (b)" in line 5, "the dispersion of (c)" in line 6, and "the dispersion" in line 6 of claim 1. Similar rejections based on antecedent basis were alleged to occur also in claims 10 and 11.

Claims 1 and 10 have been cancelled, rendering the rejection of those claims moot. Amended claims 2, 4, and 6-9 depend from claim 11. Solely to expedite prosecution of this application, Applicants have amended claim 11 to explicitly provide antecedent basis for each term identified by the Examiner, by deleting the term "of" and inserting the term "resulting from" into (b), (c), (d) and (e) of claim 11, as was recommended by the Examiner. Office Action pg. 3, ll. 9-10. Applicants note that exact terms need not be used *in haec verba* to satisfy the written description requirement under the first paragraph of 35 U.S.C. 112. *Eiselstein v. Frank*, 52 F.3d 1035, 1038, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995); *In re Wertheim*, 541 F.2d 257, 265, 191 USPQ 90, 98 (CCPA 1976).

In view of the amendments to claim 11, Applicants respectfully submit that proper antecedent basis is present for the terms identified by the Examiner, and request that the rejection of claims 1-2, 4 and 6-11 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections of Claims 1-2, 4, 6-7, 9 and 10 under 35 U.S.C. § 103

Claims 1-2, 4, 6-7, 9 and 10 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hwang *et al.* (*J. Mater. Chem.* 11:1722-1725 (2001)) in view of Smalley *et al.* (*J. Nanosci. Nanotech* 3:81-86 (2003)).

As note above, the section title on page 4 of the Office Action contained a typographical error which indicated that claim 11 was rejected, but should have indicated that claim 10 was rejected. This typographical error was acknowledged by the Examiner in the telephone conversation of August 11, 2009.

Solely to expedite prosecution, claims 1 and 10 have been cancelled. Claims 2, 4, 6-7, and 9 have been amended to be dependent on claim 11, which the Examiner indicated would be allowable if amended to overcome the § 112 rejection. Office Action on page 13, ll. 18-19. For at least the above reasons, Applicants respectfully submit that the rejection of claims 1-2, 4, 6-7, 9 and 10 under 35 U.S.C. § 103 be withdrawn.

Rejection of Claim 8 under 35 U.S.C. § 103

Claim 8 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hwang and Smalley *et al.* in further view of Chang (U.S. Pat. No. 6,420,293). Solely to expedite prosecution, claim 8 has been amended to depend from claim 11, which the Examiner indicated would be allowable if amended to overcome the § 112 rejection. For at least the above reasons, Applicants respectfully submit that the rejection of claim 8 under 35 U.S.C. § 103 be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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